



TOWN OF MILLIS

Richard Nichols, *Chair*
Nicole Riley, *Clerk*
George Yered
Bodha B. Raut Chhetry
Alan Handel
Joshua Guerrero, *Associate*

OFFICE OF THE PLANNING BOARD

900 Main Street • Millis, MA 02054

Phone: 508-376-7045

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Camille Standley
Administrative Assistant
cstandley@millisma.gov

February 12, 2021

The Planning Board has **approved, with conditions**, the Special Permit for Site Plan Approval application of the Mill Brook School Foundation, Inc. of 376 Orchard Street Millis, Massachusetts who requests a **Special Permit** for site plan approval pursuant to Section V, Use Regulations, Paragraph E and Section XIII, Special Permit Conditions, paragraph C, Site Plan Review; of the Millis Zoning By-laws of the Town of Millis, to construct a school building and appurtenances at an existing non-profit school at 376 Orchard Street. The property which is the subject of this application is identified as Assessors Parcels 1 and 36 on Map 9 and is owned by the Mill Brook School Foundation, Inc. of 376 Orchard St., Millis, Massachusetts. The property is zoned Residential Suburban (R-S) and the existing private non-profit school use is a Dover Amendment use.

A copy of this decision was filed in the office of the Town Clerk of Millis on **February 12, 2021**.
(Copies of this Decision available at the Planning Board's webpage:
<http://www.millisma.gov/planning-board>)

Any person aggrieved by this decision of the Planning Board may appeal said decision pursuant to Massachusetts General Law Chapter 40A, Section 17, by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within twenty (20) days. A copy of said complaint shall be given to the Planning Board.

No variance or special permit, or any extension, modification or renewal thereof shall take effect until a copy of that decision bearing the certification of the Town Clerk that 20 days have elapsed and no appeal has been filed or that if such an appeal has been filed that it has been denied or dismissed, is recorded in the Registry of Deeds for the county or district in which the land is located and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's title certificate. The fee for recording or registering shall be paid by the owner or applicant.

To the Applicant: After 20 days have gone by from the above date, check with the Town Clerk's office and obtain a certified copy of the Board's decision. Be sure that the special permit/site plan is recorded at the Registry with your deed. The permit is not valid until it is recorded. A copy of the receipt from the Registry of Deeds must be filed with the Planning Board and Building Department when you apply for a building permit for the proposed construction. Also, prior to applying for a building permit for construction, **contact the Planning Board for endorsement of the approved site plan.**

Camille Standley
Camille Standley, Administrative Assistant

cc: Applicant, Building Dept., BOH, Abutters, File Decision cover ltr 376 Orchard St. Sparhawk 2-12-2021.doc



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Camille Standley
Administrative Assistant
cstandley@millisma.gov

Millis Town Clerk

Received

FEB 12 2021

Kathleen E. Standley
Asst. Town Clerk

February 9, 2021

DECISION OF THE MILLIS PLANNING BOARD ON THE SPECIAL PERMIT WITH SITE PLAN APPROVAL APPLICATION SUBMITTED BY THE MILL BROOK SCHOOL FOUNDATION, INC.

An application was filed with the Millis Town Clerk's office on July 28, 2020, by the Mill Brook School Foundation, Inc. of 376 Orchard Street Millis, Massachusetts who requests;

1. a **Special Permit** for site plan approval pursuant to Section V, Use Regulations, Paragraph E and Section XIII, Special Permit Conditions, paragraph C, Site Plan Review; of the Millis Zoning By-laws of the Town of Millis, to construct a school building and appurtenances at an existing non-profit school at 376 Orchard Street.

The property which is the subject of this application is identified as Assessors Parcels 1 and 36 on Map 9 and is owned by the Mill Brook School Foundation, Inc. of 376 Orchard Street Millis, Massachusetts. The property is zoned Residential Suburban (R-S) and the existing private non-profit school use is a Dover Amendment use.

In accordance with the provision of G. L. c. 40, Section 11, notice of hearing was published in The Milford Daily News on August 27, 2020 and September 3, 2020. Abutters to the property were properly notified of the public hearing by mail. A list of the abutters is on file in the Town Clerk's office, 900 Main Street, Millis, Massachusetts.

A public hearing in accordance with said notice was held on September 15, 2020, and continued hearings were held on October 26, 2020 (no testimony taken), November 10, 2020 (no testimony taken), December 8, 2020 (no testimony taken), January 12, 2021, and February 9, 2021. The public hearing was closed on February 9, 2021.

The Applicant was represented by Daniel Merrikin, P.E. of Legacy Engineering LLC. The consulting engineer for the Planning Board on this application was the BETA Group, Inc.

The following submissions were received through the public hearing process:

- Correspondence to the Millis Planning Board from Daniel J. Merrikin, P.E., Legacy Engineering, dated July 28, 2020
- Document entitled, "Special Permit Application For/With Site Plan Approval" filed with the Town Clerk on July 28, 2020, with 300' Abutters List Report dated June 29, 2020
- Plans entitled, "Sparhawk Academy, 376 Orchard Street, Site Plan," dated July 9, 2020 (7 sheets), prepared for The Mill Brook School Foundation, Inc., prepared by Legacy Engineering
- Stormwater Report for Sparhawk Academy proposed School Development, dated July 9, 2020
- Correspondence to the Millis Planning Board from BETA Engineering, Site Plan Peer Review, dated August 18, 2020
- Correspondence to the Millis Planning Board from Dale Hamel, 2 Evergreen Terrace, dated September 7, 2020
- Email Correspondence to the Richard Nichols from Melissa Recos, dated September 8, 2020
- Memo to Millis Planning Board from Chief of Police, Chris Soffayer, dated October 1, 2020
- Email to Camille Standley from Daniel Merrikin, Legacy Engineering, re: continuance request, dated October 6, 2020
- Email to Camille Standley from Daniel Merrikin, Legacy Engineering, re: continuance request, dated November 2, 2020
- Correspondence to the Millis Planning Board from Daniel J. Merrikin, P.E., Legacy Engineering, dated November 17, 2020 with attachments:
 - Plans entitled, "Sparhawk Academy, 376 Orchard Street, Site Plan," dated July 9, 2020 (7 sheets) revised November 13, 2020, prepared for The Mill Brook School Foundation, Inc., prepared by Legacy Engineering
 - Stormwater Report for Sparhawk Academy proposed School Development, dated July 9, 2020, revised November 13, 2020

- Plan entitled, "Sparhawk Academy Fire Truck Turning Plan of Land in Millis, MA," dated November 13, 2020
- Email to Daniel Merrikin, Legacy Engineering, from Jim McKay, DPW Director, dated August 19, 2020 re: water services
- Proposed classroom layout plan
- Correspondence to the Millis Planning Board from Daniel J. Merrikin, P.E., Legacy Engineering, dated January 12, 2021 with attachments:
 - Plans entitled, "Sparhawk Academy, 376 Orchard Street, Site Plan," dated July 9, 2020 (8 sheets) revised January 5, 2021, prepared for The Mill Brook School Foundation, Inc., prepared by Legacy Engineering
 - Stormwater Report for Sparhawk Academy proposed School Development, dated July 9, 2020, revised January 5, 2021
 - Plan entitled, "Sparhawk Academy Fire Truck Turning Plan of Land in Millis, MA," dated November 13, 2020, revised January 5, 2021
- Correspondence to the Millis Planning Board from BETA Engineering, Site Plan Peer Review #2, dated January 20, 2021
- Correspondence to the Millis Planning Board from Daniel J. Merrikin, P.E., Legacy Engineering, dated January 26, 2021 with attachments:
 - Plans entitled, "Sparhawk Academy, 376 Orchard Street, Site Plan," dated July 9, 2020 (8 sheets) revised January 21, 2021, prepared for The Mill Brook School Foundation, Inc., prepared by Legacy Engineering
- Email Correspondence to Daniel J. Merrikin, P.E., Legacy Engineering, from Fire Chief Richard Barrett, dated February 3, 2021

FINDINGS

Regarding the requests for Special Permits, Section XII.Q of the Zoning By-Laws of the Town of Millis requires the following general conditions to be fulfilled prior to the granting of an application for a special permit:

(a) Special permits shall only be issued following public hearings held within 65 days after filing of an application with the Special Permit Granting Authority, a copy of which shall be given forthwith to the Town Clerk by the Applicant.

Finding: The application was filed with the office of the Town Clerk on July 28, 2020; and the initial public hearing was held on September 15, 2020. The Planning Board therefore finds that this requirement has been met.

(b) The use requested by the Applicant is listed in the Table 1 Use Regulations of the Millis Zoning By-laws as a special permit in the district for which application is made or is so designated elsewhere in the By-laws.

Finding: The proposed use is allowed by right in Table 1 Use Regulations and because it is a Dover Amendment use. The Applicant has willingly applied for a special permit for Site Plan Review although not technically required for Dover Amendment uses. The Board therefore finds that this provision is met.

(c) The requested use is essential or desirable to the public convenience or welfare.

Finding: The Board finds that the proposed use will increase the availability and variety of schooling within the surrounding community. The Board therefore finds that the proposed development is desirable to the public convenience and welfare.

(d) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

Finding: The proposed development includes appropriate circulation driveways accessing from Orchard Street. The looping driveway allows for easy emergency access from the adjacent roadway. A development of this nature will not generate excessive quantities of traffic and can readily be accommodated by the surrounding roadways. The requested use will therefore not create undue traffic congestion, or unduly impair pedestrian movement and the Planning Board finds that this requirement has been met.

(e) The requested use will not overload any municipal services to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subject to hazards affecting health, safety, or the general welfare.

Finding: The site is serviced by an existing well and septic system, which are both adequate. The development will additionally be serviced by municipal water for the new building. The Applicant has proposed a stormwater management system which meets state and local requirements for stormwater mitigation and treatment. The requested use will not overload any municipal services to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be

unduly subject to hazards affecting health, safety, or general welfare. The Planning Board therefore finds that this requirement has been met.

(f) Any special regulations for the use set forth in Section XI (Special Flood Hazard District), are fulfilled.

Finding: The portion of the site proposed for development does not lie within the Special Flood Hazard District and the Board therefore finds that this provision is not applicable.

(g) The requested use will not impair the integrity or character of the district or adjoining zones, not be detrimental to the health, morals, or welfare.

Finding: The requested use is an expansion of an existing Dover Amendment educational use, which is a benefit to the community by providing additional educational opportunities for the residents. It is also noted that the proposed construction will be completed in mostly previously disturbed grassed field areas. This development is appropriate for this very large site and is not expected to have any significant adverse impacts on abutting properties, which are comprised of single-family dwellings, farms and wetland areas. As such, the requested use will not impair the integrity or character of the district or adjoining zones, not be detrimental to the health, morals, or welfare of the citizens of Millis and the Planning Board finds that this requirement has been met.

(h) A special permit granted under the provision of the Millis Zoning by-laws shall lapse within one year, and including such time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Finding: The Applicant shall adhere to such requirements and the Planning Board therefore finds that this requirement has been met.

Section XIII.C.5 of the Zoning By-laws of the Town of Millis requires the following matters be evaluated prior to the granting of a Special Permit for Site Plan Review:

(a) Protection of adjoining premises against detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air.

Finding: The applicant has proposed an appropriate stormwater management system design. Furthermore, proposed lighting is minimal. Extensive open space buffers are provided around and within the site. The Planning Board therefore finds that this requirement has been met.

(b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly.

Finding: The new building will access off Orchard Street, which has ample capacity for the proposed vehicular traffic. The development includes interior circulating driveways and turnaround areas that are appropriate for typical vehicular movements and for emergency vehicle access. The Planning Board therefore finds that this requirement has been met.

(c) Protection and enhancement of existing site features.

Finding: The site is an old farm property with extensive field and wooded areas, much of which will be preserved. While the site contains wetlands, no proposed activities fall within 100' of these wetlands. The Planning Board therefore finds that this requirement has been met.

(d) Adequacy of the arrangement for parking and loading spaces in relation to the proposed use of the premises.

Finding: The existing school facility has parking spaces appropriate to the use and the new building construction will provide an appropriate number of new spaces adjacent to it. The Planning Board therefore finds that this requirement has been met.

(e) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.

Finding: The proposed building includes an enclosed dumpster pad for private waste collection. The Planning Board finds that this requirement has been met.

(f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the by-law.

Finding: The cleared portion of the site currently consists of existing buildings, driveways, old horse paddocks and extensive field areas that will remain largely unchanged in the proposed conditions. The new building and appurtenances occupies a relatively small portion of this large property. The Planning Board therefore finds that this requirement has been met.

(g) Protection of environmental features, particularly groundwater resources, on the site and in adjacent areas, adequate protection to prevent pollution of surface and groundwater, soil erosion, increase runoff, changes in groundwater recharge or elevation and flooding.

Finding: The applicant has proposed a stormwater management system which provides the collection, treatment and infiltration of stormwater runoff in accordance with state and local requirements. Construction-stage erosion controls will be implemented to prevent soil erosion during construction. The Planning Board therefore finds that this requirement has been met.

DECISION

At a meeting held on February 9, 2021, acting upon a motion of Mr. Richard Nichols and seconded by Ms. Nicole Riley, with Mr. George Yered, Mr. Bodha B. Raut Chhetry, Mr. Alan Handel, Ms. Nicole Riley, and Mr. Richard Nichols voting in the affirmative, it was unanimously voted to grant to the Applicant, The Mill Brook School Foundation, Inc., a **Special Permit** for Site Plan Approval for property located on Orchard Street (Assessors Parcels 1 and 36 on Map 9), said location as described herein and on the plans. The site and the approved improvements are depicted on an eight-sheet plan set entitled "Sparhawk Academy 376 Orchard Street Site Plan of Land" dated July 9, 2020 with a final revision date of January 21, 2021 prepared by Legacy Engineering LLC. (hereinafter referred to as the "Approved Site Plan"). Site plan approval is subject to the following conditions:

GENERAL CONDITIONS

1. All necessary approvals from other Town Boards and Commissions must be obtained by the Applicant. Proof of said approvals, where needed, shall be forwarded to the Millis Planning Board. Approvals and/or permits shall reference the Approved Site Plan.

2. The development shall be constructed in substantial compliance with the Approved Site Plan unless otherwise modified by the Planning Board or by the conditions enumerated herein.
3. This special permit granted under the provisions of the Millis Zoning By-laws shall lapse within two (2) years from the filing of this decision with the Town Clerk, and including such time required to pursue or await the determination of an appeal from the grant thereof. If the Applicant, for good cause, needs to be granted extensions for periods of one (1) year at a time for completion of the project, such an extension will not be unreasonably withheld.
4. This permit is for the development of the site at Assessors Parcels 1 and 36 on Map 9, which lie along Orchard Street, including the construction of a school building. Also included are appurtenant driveways, parking areas, utility systems, stormwater management systems and landscape areas as shown on the Approved Site Plan. Any desired changes in use must be submitted the Board for review and determination as to whether an amendment or modification of the permit is required. The location and footprint of the building shall be substantially as shown on the Approved Site Plan, although minor deviations are permitted without further approved from the Planning Board at the discretion of the Building Inspector.
5. The land which is the subject of this Special Permit shall not be further subdivided without the prior approval of the Planning Board.
6. The Planning Board and any of its representatives shall be allowed to inspect the premises at any time.

CONSTRUCTION METHODOLOGY CONDITIONS

7. The Applicant shall identify the name, address and phone number of the contact person for construction management of the project. Said contact person shall be available 24 hours per day, seven days per week throughout construction. This information shall be provided to the dispatcher's office of the Millis Police and Fire Departments, the office of the Department of Public Works, and any other department deemed necessary by the Planning Board. In addition, this information should be posted in a prominent location on the required temporary construction fencing.

8. Prior to the start of construction, the Applicant shall conduct a pre-construction meeting with the Director of the Department of Public Works and any other persons the Planning Board deems appropriate.
9. No construction shall be started prior to 7:00 A.M. or continue beyond 6:00 P.M. No work will be permitted on the site on Sundays or on holidays observed in Norfolk County, Massachusetts unless approved by the Building Inspector. A sign stating these construction activity hours shall be posted at the construction entrance.
10. The approved limit of work/edge of open space shall be field staked by a land surveyor prior to clearing and shall be marked with perimeter controls as noted on the Approved Site Plan for the duration of construction activities.
11. All construction activities shall proceed in accordance with the provisions of the documents prepared by Legacy Engineering LLC entitled "Stormwater Pollution Prevention Plan (SWPPP) for a Construction Activity for Sparhawk Academy, 376 Orchard Street, Millis, MA" with a latest revision date of January 5, 2021. Prior to construction, the Applicant shall update the SWPPP document with the final names of the site contractor, the EPA Notice of Intent and any other incomplete information and shall submit a copy to the Planning Board.
12. Installation of erosion and perimeter control devices shall precede all other construction. Flooding of abutting properties during construction is not allowed.
13. Areas of disturbance shall be limited to the greatest extent practical. Disturbed areas that will not be built upon, paved or grassed within 14 days shall be temporarily stabilized with grass.
14. There shall be no loading/unloading or stacking of construction equipment and materials or idling of delivery trucks during construction on Orchard Street.
15. Orchard Street shall remain clean at all times and shall be swept as needed. Construction entrances are required to be installed and maintained at all construction entrances.
16. A dumpster shall be maintained on-site throughout construction. All trash shall be collected daily and deposited in the dumpster. No trash shall be buried on-site.

17. If it is determined by the Board that construction related dust is excessive, remediation shall be implemented within 24 hours. Dust control shall be by water truck. Calcium chloride shall not be allowed.
18. Observation of the subsoil prior to the installation of the infiltration basin by a representative of the Town is required to determine whether soils and high groundwater are consistent with assumptions made in the stormwater report.

POST-CONSTRUCTION CONDITIONS

19. All future use of the site shall be in accordance with the provisions of the document submitted by the applicant entitled "Site Operations & Maintenance Plan" prepared by Legacy Engineering LLC, dated July 9, 2020 revised January 5, 2021, which includes the Long-Term O&M Plan for stormwater. The Long-Term O&M Plan will apply to the maintenance of the stormwater system and ongoing use of the property. The Site Operation and Maintenance Plan with signature of the owner/operator shall be provided to the Board prior to occupancy and future responsible parties shall be notified of their continuing legal responsibility to operate and maintain the stormwater management system.
20. The property owner shall maintain on-site files including records of inspection, maintenance, and corrective actions for work performed in accordance with the operations and maintenance requirements prepared by the Applicant. Such files shall be available for inspection by the town.
21. An "as-built" plan shall be submitted for approval to the Planning Board prior to occupancy. Among other things, the As-built plan shall show the location and detail of all drainage and utility systems and shall include ties to water curb stops. As-built plans shall be accompanied by a written statement certifying substantial compliance with the Approved Plans. The statement shall note any deviation from the Approved Plans as part of this permit, shall be written by a Professional Engineer and shall include the dates of inspection(s). Facility shall not be allowed to partial occupancy at any time without the approval of the Planning Board.
22. Two speed limit signs with radar shall be installed on Orchard Street in locations recommended by the Police Department.

MILLIS PLANNING BOARD:

Richard Nichols
Chair

☒ Approve ☐ Deny ☐ Abstain

Nicole N. Riley
Nicole Riley
Clerk

☒ Approve ☐ Deny ☐ Abstain

George Yered
George Yered
Member

☒ Approve ☐ Deny ☐ Abstain

Bodha B. Raut Chhetry
Bodha B. Raut Chhetry
Member

☒ Approve ☐ Deny ☐ Abstain

Alan Handel
Alan Handel
Member

☒ Approve ☐ Deny ☐ Abstain

Joshua Guerrero
Associate Member

☐ Approve ☐ Deny ☐ Abstain

DATE VOTED: February 9, 2021

DATED FILED WITH THE OFFICE OF THE TOWN CLERK: Feb. 12, 2021

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN TWENTY (20) DAYS AFTER THE DATE THIS DECISION IS FILED IN THE OFFICE OF THE TOWN CLERK.